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6  
7 Attorneys for Defendant GTE Mobilnet  
of California Limited Partnership d/b/a  
Verizon Wireless (erroneously sued and  
8 referred to herein as "Verizon Wireless")

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

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13 JANET PICKENS,	)	Case No. CV-08-00004 MMC
	)	
14 Plaintiff,	)	<b><u>DEFENDANT GTE MOBILNET OF</u></b>
	)	<b><u>CALIFORNIA LIMITED</u></b>
15 vs.	)	<b><u>PARTNERSHIP'S NOTICE OF</u></b>
	)	<b><u>MOTION AND MOTION TO DISMISS</u></b>
16 VERIZON WIRELESS,	)	<b><u>PLAINTIFF JANET PICKENS'</u></b>
	)	<b><u>COMPLAINT</u></b>

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Defendant.

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**Date: February 29, 2008**  
**Time: 9:00 a.m.**  
**Courtroom: 7**  
**Before: Hon. Maxine M. Chesney**

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**Accompanying Documents:**

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**1) Memorandum of Points and Authorities**

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**2) Request For Judicial Notice (with  
exhibits)**

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24 TO PLAINTIFF JANET PICKENS:

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PLEASE TAKE NOTICE that on February 29, 2008, at 9:00 a.m., or as soon thereafter as  
the matter may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San  
27 Francisco, California, Defendant GTE Mobilnet of California Limited Partnership doing business  
28 as Verizon Wireless (erroneously sued and referred to herein as "Verizon Wireless") will bring

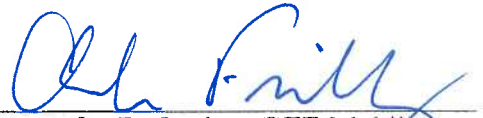
1 on for hearing this motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil  
2 Procedure 12(b)(6). Said motion is made on the grounds that: 1) Plaintiff's purported claim for  
3 relief for spirit form misappropriation is not a recognized right of action under California law;  
4 and 2) Plaintiff has failed to allege sufficient facts to state a claim for relief for negligence.

5 This motion is based upon this Notice of Motion and Motion, and the Memorandum of  
6 Points and Authorities and Request For Judicial Notice submitted herewith (including those  
7 exhibits attached to said Request For Judicial Notice), all pleadings and papers on file in this  
8 action, and upon such other matters of which the Court may take judicial notice or which may be  
9 presented to the Court at the time of hearing.

10 Dated: January 9, 2008

11 GLYNN & FINLEY, LLP  
12 ANDREW T. MORTL  
13 ADAM FRIEDENBERG  
14 One Walnut Creek Center  
15 100 Pringle Avenue, Suite 500  
16 Walnut Creek, CA 94596

17 By



18 Attorneys for Defendant GTE Mobinet  
19 of California Limited Partnership d/b/a  
20 Verizon Wireless (erroneously sued and  
21 referred to herein as "Verizon Wireless")  
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